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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION

MDL No. 2843
Case No. 18-md-02843-VC-JSC

This document relates to:

ALL ACTIONS

**PLAINTIFFS' ADMINISTRATIVE
MOTION FOR LEAVE TO FILE A SUR-
REPLY TO DEFENDANT FACEBOOK,
INC.'S REPLY BRIEF IN SUPPORT OF
ITS CLAIM OF CONFIDENTIALITY**

Judge: Hon. Vince Chhabria and
Hon. Jacqueline Scott Corley
Courtroom: 4, 17th Floor

Pursuant to Civil Local Rule 7-11, Plaintiffs in the above-captioned action respectfully submit this administrative motion for leave to file a brief sur-reply to Defendant Facebook, Inc.'s Brief in Support of its Claim of Confidentiality, Dkt. No. 681 ("Facebook's Reply"). Plaintiffs' proposed two-page sur-reply, attached as Exhibit A to the Melamed Declaration, corrects certain untrue statements in Facebook's Reply.

Specifically, Facebook's Reply incorrectly states: (1) that Plaintiffs seek relief from the Court; (2) that the dispute concerns 46 publicly available documents; (3) that Facebook produced documents and identified them as confidential before Plaintiffs found the same documents on the NBC News Website; and (4) that the articles Plaintiffs cite do not link directly to any of the documents at issue. In truth: (1) Facebook is the entity that seeks relief, in the form of sealing a public document; (2) Plaintiffs filed only one document, not 46; (3) Plaintiffs obtained the document at issue and the other documents Facebook references from the NBC News Website more than four months before Facebook produced and marked them confidential; and (4) articles Plaintiffs cite link directly to publicly available versions of the document at issue and the other documents Facebook references.

As required by Civil Local Rule 7-11(a) Plaintiffs contacted Facebook to ask whether it would stipulate to Plaintiffs' filing a sur-reply before filing this administrative motion. Facebook declined to do so. *See* Melamed Decl. at ¶ 4, filed herewith.

Dated: June 1, 2021

Respectfully submitted,

KELLER ROHRBACK L.L.P.

BLEICHMAR FONTI & AULD LLP

By: /s/ Derek W. Loeser
Derek W. Loeser

By: /s/ Lesley E. Weaver
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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Lesley E. Weaver, attest that concurrence in the filing of this document has been obtained from the other signatories. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1st day of June, 2021, at Oakland, California.

/s/ Lesley E. Weaver

Lesley E. Weaver

CERTIFICATE OF SERVICE

I, Lesley E. Weaver, hereby certify that on June 1, 2021, I electronically filed the foregoing with the Clerk of the United States District Court for the Northern District of California using the CM/ECF system, which shall send electronic notification to all counsel of record.

/s/ Lesley E. Weaver

Lesley E. Weaver